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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixty-second session
26 October-20 November 2015
Item 4 of the provisional agenda*
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined sixth and seventh periodic reports of Madagascar

Institutional and legislative framework and access to justice

1. Please indicate whether the State party has undertaken or envisages undertaking a complete review of its legislation to identify and repeal discriminatory provisions against women.

2. Please provide information on the impediments faced by women in gaining access to justice and the measures taken to overcome them. Please indicate the action taken to monitor the implementation of Decree No. 2009-970 regulating the provision of legal aid to women who are victims of violence (para. 131)[1] and indicate whether legal aid is provided in other cases of discrimination against women. Please also provide information on the existence of customary justice mechanisms and describe their functioning and relationship with the formal justice system. Please provide information on the steps taken to provide training for legal professionals, including judges, prosecutors and lawyers, as well as other actors responsible for the implementation of the provisions enshrined in the Convention. Please also provide information on the measures envisaged to further disseminate the Convention and the general recommendations adopted by the Committee.

National machinery for the advancement of women

3. Please provide the time frame for the full implementation of the recommendations of the Gender and Development National Action Plan, which include the establishment of a mechanism for the promotion of women. Please

* CEDAW/C/62/1.

[1] Unless otherwise indicated, paragraph numbers refer to the combined sixth and seventh periodic reports of Madagascar (CEDAW/C/MDG/6-7).

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indicate the measures envisaged to increase the budget allocated to the advancement of women and to ensure that the national machinery for the advancement of women has adequate human and technical resources at the national, regional, provincial and municipal levels.

Stereotypes and harmful practices

4. Please indicate the measures taken to strengthen understanding of the equality of women and men and to work with the media in order to enhance a positive and non-stereotypical portrayal of women. Please indicate whether the State party envisages developing a comprehensive strategy to change social and cultural patterns and eliminate gender-based stereotypes and harmful practices, such as child marriage, sale of wives, "moletry" (bride price), "girls market", abandonment of a twin child and discrimination against women regarding their right to inheritance. Please also indicate the measures envisaged to assess the impact of the efforts made to educate and raise awareness about the harmful effect of such practices on girls and women.

Violence against women

5. Please indicate the time frame for the finalization of the national strategy to combat gender-based violence, and describe the measures taken and envisaged to encourage women to report all acts of violence, including domestic violence; ensure the prosecution of perpetrators; provide victims with protection, remedies and rehabilitation; and carry out capacity-building and awareness-raising programmes for the police, lawyers, health and social workers, the judiciary and the public at large. Please indicate whether the State party envisages adopting a comprehensive law to combat violence against women and ensuring that marital rape and sexual harassment are criminalized.

Trafficking and exploitation of prostitution

6. Please provide information on the measures taken and envisaged for the effective implementation of Law No. 2014-040 of 16 December 2014 against trafficking in persons. Please indicate the time frame for the finalization of the national action plan to combat trafficking and indicate the measures taken and envisaged to ensure its effective implementation. Please provide information on measures taken to combat sex tourism. Please also provide information on measures taken and envisaged to systematically collect sex-disaggregated data on trafficking and sex tourism and provide data: (a) on the number of victims, cases investigated, cases prosecuted and convictions for trafficking and sex tourism; and (b) on the punishment of perpetrators. Please provide information on progress and obstacles faced, if any, in implementing the provisions of the Act on combating trafficking and sex tourism that make it possible to prosecute offenders wherever they are located (para. 154). Please provide information on the conclusion of bilateral agreements with neighbouring countries, including Seychelles and Mauritius.

7. Please indicate the measures taken to provide educational and economic alternatives to prostitution and to introduce exit programmes and rehabilitation and reintegration measures for women leaving prostitution. Please indicate whether the legislation contains discriminatory provisions criminalizing women engaged in prostitution.

Participation in political and public life

8. Please provide information on the steps taken to achieve equal representation of women and men in decision-making positions in the Government, the judiciary, the legislature, the civil service at the national, regional, provincial and municipal levels and the diplomatic service, including through the adoption of temporary special measures, in accordance with article 4 (1) of the Convention and the Committee's general recommendation No. 25 on the subject. Please indicate whether temporary special measures are foreseen in view of the municipal elections to be held in July 2015. Please indicate to what extent women are being included in the political process following the political crisis.

Nationality

9. Mention is made of the ongoing revision of Order No. 60-064 of 22 July 1960, which deals with the Malagasy Nationality Code (paras. 116-118). Please indicate whether the revision has been made and, if it has not, the time frame for its finalization. Please state whether it includes the withdrawal of all existing discriminatory provisions relating to nationality.

Education

10. Please describe the measures taken to increase the enrolment rate of pupils, including girls, and those envisaged to further increase the female literacy rate, in particular in rural areas. Please indicate whether the State party envisages strengthening the measures taken to reduce the school dropout rate among girls and eliminate economic, social and cultural obstacles to girls' access to education, including the direct and indirect costs of education, in addition to child marriage and teenage pregnancy.

11. Please provide information on the current situation and trends in the State party regarding violence against and sexual harassment of girls in schools; the integration of age-appropriate sexual and reproductive health and rights education into the school curricula at all levels of education; and stereotypical attitudes about the roles and responsibilities of women and men in textbooks, curricula and teacher training.

Employment

12. It is indicated that the principles of equal access to employment and equal remuneration for work of equal value are respected (para. 42). Please provide data on the participation of women in the labour force, in both the public and private sectors, and details on wage gaps and occupational segregation. Please indicate the measures envisaged to address the disproportionately high unemployment rate of women. Please state whether all employees of the formal sector are covered by the social protection system and provide data on the impact of measures taken by the National Social Security Fund to encourage employers in the informal sector to enrol their employees so that they can obtain social benefits (para. 47).

13. Please indicate whether legal provisions prohibit sexual harassment in the workplace, and provide data on the number of reported cases of sexual harassment in the workplace and on the measures taken to prevent and punish such acts.

14. Please indicate whether the State party has taken measures to prevent and address the cases of abuse, violence, including sexual violence, or contemporary

forms of slavery of Malagasy migrant women in hosting countries and of Malagasy women and girl domestic workers in the State party.

Health

15. Please provide information on the measures taken to ensure the effective implementation of the road map for 2015-2019 to reduce maternal and neonatal mortality. Please indicate the measures envisaged to address: (a) the lack of adequate budget allocations to the health sector; (b) the persisting lack of access to basic health-care services and essential obstetric care, in particular among women living in rural areas, including due to the existence of sociocultural barriers; (c) the high rates of teenage pregnancy; and (d) cases of vesico-vaginal fistula.

16. Please state the time frame for the adoption of the bill on family planning and whether it includes access to contraception for adolescents. Please provide information on the measures envisaged to increase: (a) the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights and family planning services; and (b) the rate of modern contraceptive use. Please state whether abortion is legally authorized in certain conditions, and, if it is, indicate the legal provisions referring to it and provide information on their implementation in practice. Please provide data on: (a) the prevalence of unsafe abortion disaggregated by region and economic status of the women; and (b) the number and proportion of women in detention after a conviction for illegal abortion. Please provide information on the incidence of unsafe abortions and their impact on women's health, including maternal mortality ratios.

17. Please describe the measures taken to tackle the persisting discrimination against and stigmatization of women living with HIV/AIDS and to prevent mother-to-child transmission of HIV/AIDS.

Economic empowerment of women, rural women and climate change

18. Please indicate the measures taken to reduce poverty in urban and rural areas and to enhance the participation of rural women in developing policies in areas that affect them, including access to land, farm inputs and food crops. Please describe the measures taken and envisaged for the effective implementation of legal provisions ensuring non-discrimination against women as regards land ownership, property management and inheritance. Please state the measures taken to integrate disaster risk reduction into development processes and to counter the adverse impact of climate change. Please indicate whether the State party envisages incorporating a gender perspective into national disaster management and relief and recovery strategies.

Disadvantaged groups of women

19. Please indicate the time frame for the adoption and implementation of the bill protecting older women and the measures taken and envisaged to combat discrimination against women with disabilities and to protect them from sexual violence. Please provide information on the measures taken and envisaged to ensure that disadvantaged groups of women, including women living in poverty, rural women and women with disabilities, have effective access to health-care services, education, water, sanitation, food, housing and income-generating activities. Please indicate the number of women in detention, clarify whether they are always separated from male detainees and whether girls are separated from adult women

and convicted women from women in pretrial detention, and indicate whether they receive treatment in line with the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

Marriage and family relations

20. Please describe the measures taken and envisaged to disseminate and ensure the full implementation of Act No. 2007-022 of 20 August 2007 relating to marriage and matrimonial regimes, including the legal provisions raising the age of marriage to 18 years of age (para. 121). Please provide details on the legal provisions relating to the division of property upon divorce (ibid.) and the rights to inheritance (para. 70) and indicate the measures taken and envisaged to disseminate them and ensure their effective implementation. Please specify whether all traditional marriages are registered before the Registrar and clarify whether such registration implies their submission to all the provisions of Act No. 2007-022. Please indicate whether the State party envisages revising article 54 of the Act, according to which the husband is defined as the head of the family, in order to harmonize the law with the Constitution and the Convention. Please also indicate whether the State party envisages taking measures to overcome the obstacles to the implementation of the law prohibiting polygamy.

Optional Protocol to the Convention

21. Please indicate any progress made with regard to the ratification of the Optional Protocol to the Convention.